

AMENDMENTS TO THE DRAWINGS

In response to the drawing objections on page 2 of the Office Action, the Applicant respectfully submits one (1) "Replacement Sheet" in compliance with 37 C.F.R. § 1.121(d) to correct the informalities in FIG. 6. No new matter is believed to be entered. Reconsideration and acceptance of the Replacement Sheet are respectfully requested.

ATTACHMENTS: ONE (1) REPLACEMENT DRAWING SHEET

REMARKS

I. INTRODUCTORY REMARKS

The Office Action dated June 26, 2009 has been received and its contents carefully considered. By this amendment, no claims have been amended, added or canceled. Accordingly, upon entry of this amendment, claims 1-9 are pending in the application. The Applicant thanks the Examiner for the careful consideration of this application. Based on the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn. Reconsideration is respectfully requested.

II. OBJECTION TO DRAWINGS

On page 2 of the Office Action, the drawings are objected to because Figures 1 and 6 should be designated by a legend such as –Prior Art—because only that which is old is illustrated.

Applicant respectfully submits that Figure 1 is not illustrating only that which is old, thus appropriate correction is not required for Figure 1. Support that Figure 1 is not illustrating only that which is old is provided, for example, in Paragraphs 29 and 35-38.

Applicant respectfully submits a replacement sheet for Figure 6.

Thus, it is respectfully requested that the objection be withdrawn.

III. OBJECTION TO DISCLOSURE

On page 3 of the Office Action, the disclosure is objected to because reference to the claims in the specification is not proper. Applicant has accordingly amended the disclosure. The amendments are not believed to introduce new matter, being supported by the claims originally referenced. Thus, it is respectfully requested that the objection be withdrawn.

IV. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

On pages 3-4 of the Office Action, claim 1 is objected to for not clearly describing in the specification how to determine the lowest component of the Fourier spectrum of the pulsed electromagnetic field, and claims 1-9 are objected to for containing the trademark/trade name Fourier spectrum. Applicant respectfully submits that a Fourier spectrum is not a trademark or tradename, but rather is related to the Fourier transform, one of the most famous of all mathematical

progressions. The name Fourier is the name of the mathematician who developed Fourier analysis. Applicant respectfully submits that one of ordinary skill in the arts would understand “the lowest component of the Fourier spectrum of the pulsed electromagnetic field” is the lowest frequency component of the Fourier series expressing the pulsed electromagnetic field. Thus, it is respectfully requested that the objection be withdrawn.

On pages 3-4 of the Office Action, claim 2 is objected to because it is not clear what the phrase “the batch type processing” is intended to encompass. Applicant respectfully submits, that the phrase “the batch type processing” is definite in view of the specification, for example, Paragraphs 14 and 15. Thus, it is respectfully requested that the objection be withdrawn.

V. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

On pages 5-6 of the Office Action, claims 1-2 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,604,641 to Wilson (hereinafter “Wilson”) and anticipated by applicant’s admitted Prior Art in Figs. 1 or 6 and paragraph [00045] (hereinafter “Prior Art”) Applicant respectfully traverses the rejection in view of the following remarks.

Wilson fails to disclose claim 1 for at least the following two reasons.

First, Wilson fails to disclose “the wall thickness of the encapsulation at least equals the penetration depth corresponding to the lowest component of the Fourier spectrum of the pulsed electromagnetic field,” as recited in claim 1. The Office Action appears to align the “box-shaped enclosure” of Wilson with the claimed “encapsulation.” Wilson, Fig 1, item 37 and col. 3, lines 20-21. However, Wilson does not appear to disclose any details regarding the thickness of the “box-shaped enclosure,” much less a thickness which “at least equals the penetration depth corresponding to the lowest component of the Fourier spectrum of the pulsed electromagnetic field” as claimed. Therefore, Wilson fails to disclose “the wall thickness of the encapsulation at least equals the penetration depth corresponding to the lowest component of the Fourier spectrum of the pulsed electromagnetic field,” as recited in claim 1.

Second, Wilson fails to disclose an “electrode at reference potential is connected **via the encapsulation wall** to the ground potential side of the energy store,” as recited in claim 1. The Office Action appears to align the electrode of Wilson with the claimed “electrode at reference potential,” as recited in claim 1. Wilson, Fig 1, item 37 and col. 3, lines 20-21. However, the

electrode of Wilson is not “at reference potential...connected **via the encapsulation wall** to the ground potential side of the energy store,” as recited in claim 1. Rather, the electrode of Wilson appears to be electrically connected to capacitors via a tube extending to a plate. Wilson, col. 2, lines 25-32 and col. 2, lines 48-61. Therefore, Wilson fails to disclose an “electrode at reference potential is connected via the encapsulation wall to the ground potential side of the energy store,” as recited in claim 1.

Prior Art also fails to disclose claim 1. Applicant respectfully submits that as described above in the objection of the Figures, Figure 1 is not admitted Prior Art, thus it is improper to use Figure 1 as prior art. Applicant respectfully submits that like Wilson, Figure 6 and paragraph [00045] of the specification also fail to disclose “the wall thickness of the encapsulation at least equals the penetration depth corresponding to the lowest component of the Fourier spectrum of the pulsed electromagnetic field” and “electrode at reference potential is connected via the encapsulation wall to the ground potential side of the energy store,” as recited in claim 1. Figure 6 and paragraph [00045] do not disclose details regarding either recited claim features. The Office Action appears to align Figure 1, the abstract, col. 1, lines 1-18, and col. 3, lines 33-75 with the features recited above. However, Figure 1 and the abstract are NOT admitted prior art. Furthermore, the specification uses paragraph numbering instead of column and line numbering, thus Applicant can not determine what is referenced by col. 1, lines 1-18, and col. 3, lines 33-75. Therefore, Figure 6 and paragraph [00045] of the specification fail to disclose “the wall thickness of the encapsulation at least equals the penetration depth corresponding to the lowest component of the Fourier spectrum of the pulsed electromagnetic field” and “electrode at reference potential is connected via the encapsulation wall to the ground potential side of the energy store,” as recited in claim 1.

In view of the foregoing reasons, Applicant respectfully submit that claim 1 is patentable over Wilson, and Figure 6 and Paragraph [00045] of the specification, and respectfully requests reconsideration and withdrawal of the rejection.

Claim 2 depends from claim 1, and as demonstrated above with reference to claim 1, is therefore patentable over Wilson, and Figure 6 and Paragraph [00045] of the specification for at least the foregoing reasons. Applicant respectfully requests reconsideration and withdrawal of the rejections.

VI. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(A)

On pages 7 of the Office Action, claims 3-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over either Wilson or Prior Art. Applicant respectfully traverses the rejection in view of the following remarks.

The Office Action states that the limitations of these claims are either well known in the art or design choice only, as an example, giving the specific dimension of the pipes in claim 3. Applicant respectfully disagrees. Claim 3 recites “these pipe sections are dimensioned such that at least the high-power, high-frequency share of the spectrum of the electromagnetic field...cannot escape through these pipe sections or is weakened...” As claimed, the dimensions of the pipes are not design choices and serve a functional purpose. Furthermore, the Office Action neglects to provide any support why the recited limitation is well known in the art. Thus, the limitations of claim 3 are of patentable merit.

Additionally, claims 3-9 depend from claim 1, and as demonstrated above with reference to claim 1, are therefore patentable over Wilson, and Figure 6 and Paragraph [00045] of the specification, for at least the foregoing reasons. Applicant respectfully requests reconsideration and withdrawal of the rejections.

VII. CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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Respectfully submitted,

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Attachments